

OS REGISTRY

DIRECTOR OF CENTRAL INTELLIGENCE

Security Committee

SECOM FILE *Comm 14*

17 November 1980

Minutes

Two Hundred and Thirty-sixth Meeting
Thursday, 13 November 1980, 1005-1303 Hours
Room 4E64, Langley Headquarters Building

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[REDACTED]
Chairman
Presiding

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MEMBERS PRESENT

Mr. Maynard Anderson, Office of Secretary of Defense
[REDACTED] National Security Agency
[REDACTED] Central Intelligence Agency
Mr. John T. Poirier, Office of Secretary of the Air Force,
Space Systems
Col. Robert A. Shiver, Department of the Air Force
Mr. Dennis Southern, Department of the Treasury
Mr. Richard L. Welch, Department of the Navy

ALTERNATES PRESENT

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Mr. Frank Dill, Department of the Army
Mr. James W. Gerblich, Federal Bureau of Investigation
Mr. Louis C. Kachulis, Department of State
Mr. Joseph Worthington, Department of the Treasury (Secret Service)
[REDACTED] Defense Intelligence Agency

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ALSO PRESENT

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[REDACTED] Central Intelligence Agency
[REDACTED] Central Intelligence Agency
Mr. A. Barry Dalinski, Department of Energy
Mr. Jerry James, Federal Bureau of Investigation
[REDACTED] Central Intelligence Agency

* Present for part of meeting

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SECOM-M-240

25X1A ALSO PRESENT (Con't)

25X1A [REDACTED] National Security Agency
Mr. Jack Lloyd, Department of Justice (DEA)
Mr. Peter Nelson, Office of Secretary of Defense
25X1A [REDACTED] Defense Intelligence Agency
Mr. Donald Stigers, Department of State
Mr. Orfeo Trombetta, Department of Justice

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PRELIMINARY COMMENTS

1. The Chairman asked members to review minutes of the meetings held on 9 July, 10 September, 24 September and 29 October, and of the 8-9 October seminar, and to provide corrections to the Executive Secretary. He advised that if no requests for change are received by 5 December 1980, the minutes will stand approved as written. (U)

2. The Chairman noted developments associated with the FY 1982 budget he had submitted for Community security needs. He advised that the package to provide funds to carry forward security measures for the new U.S. Embassy in Moscow appeared to be tracking well through the budget process. He noted that that portion of the package which covers security R&D appears to be similarly viewed with favor, but that the request to re-equip and upgrade the [REDACTED] had not been included in the proposed CIA budget. [REDACTED] said he planned to appeal this very high priority need. [REDACTED] asked if it would be possible to shift the [REDACTED] to Department of Defense sponsorship since the Military Services are the major users of this facility. [REDACTED] said he thought it was too late to do this for FY 1982. [REDACTED] suggested that calls to the Deputy DCI from senior Community officials supporting the [REDACTED] funding request could be helpful in focusing attention on this significant security requirement. (C)

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ITEM 1: Personnel Security

1. Polygraph

The Chairman introduced the agenda items on the polygraph - Investigative Standards Working Group (ISWG) recommendation #1 that a "polygraph examination should be a prerequisite for access to SCI" and ISWG recommendation for an Annex C to DCID 1/14 to implement this recommendation - by noting that the Security Committee was expected to state a position on this subject in response to the Senate Select Committee on Intelligence and the SCC's Counter-intelligence Working Group. At the Chairman's request, [REDACTED] addressed the ISWG recommendations. He advised that the ISWG had been discussing this matter from the aspects of, first, the need to respond to outside inquiries, and second, the result of the personnel security survey showing significant security benefits

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SECOM-M-240

resulting from use of the polygraph. [REDACTED] said the ISWG approach in drafting the proposed Annex C had been to limit Community use of the polygraph strictly to counterintelligence questions while leaving agencies such as CIA and NSA free to continue coverage of other areas of security concern such as life style. He said they had agreed that the proposal should exempt elected and appointed officials and the judiciary, and that they intended the annex to be used only in future initial and update investigations. He advised that the suggested polygraph questions on counterintelligence issues had been provided by CIA and NSA. (U)

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[REDACTED] and Mr. Anderson emphasized the need to ensure that guidance documents on this matter were written so as to leave no doubt that polygraph usage was keyed only to questions of SCI access as governed by DCID 1/14 and was entirely separate from security clearance determinations. [REDACTED] noted that the language at the end of paragraph 3 of the proposed annex could be interpreted as indirectly calling for Community polygraph exploration of life style issues. This prompted a discussion on how best to deal with spontaneous admissions on matters other than those dealt with by counterintelligence questions. The consensus was that polygraph examiners should be instructed to tell subjects making such admissions that they should contact another security officer if they wished to volunteer information. [REDACTED] stressed that if the Community did use the polygraph for counterintelligence issues only, it would be necessary to instruct and supervise examiners to ensure that they continually limit coverage to authorized issues and questions. (U)

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Discussion of whether the annex should be used only in reinvestigations or for cases of initial access as well surfaced such considerations as the lack of need to question those who had never had access to classified information about its mishandling. Mr. Welch said the Navy would have resource problems if they had to polygraph first time applicants as well as those subject to reinvestigation for continued access. He noted that they had about 15,000 applicants per year versus about 5,000 updates annually. (U)

Mr. Anderson emphasized the need to recognize departmental policies in our dealings with the polygraph issue. Col. Shiver and Mr. Kachulis said their departments at this time were almost certain to object to routine use of the polygraph regardless of what limits were put on questions. Mr. Gerblich noted that FBI

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SECOM-M-240

Director Webster had ruled out routine use but had sanctioned employment of the polygraph in specific cases to resolve questions. Mr. Welch suggested the Committee let the ISWG deal with polygraph considerations as part of their task to conduct an overall review of DCID 1/14. The Committee could then deal with polygraph recommendations as part of a complete package. Mr. Anderson suggested, and all members agreed to, the following recommendation: "the Investigative Standards Working Group further consider use of the polygraph for personnel security purposes beginning with periodic reinvestigations of personnel with SCI access." It was noted that the ISWG should give due weight to member comments favoring emphasis on counterintelligence questions in polygraph examinations. (U)

2. Appeals Procedures

The Chairman, noting member discussion at the SECOM seminar on procedures to appeal denials or revocations of SCI access, suggested that the basic issue of the principle of uniform procedures be elevated to the NFIB since the Committee was divided on this subject. Mr. Anderson spoke in support of the alternative language his office had proposed, and suggested the Committee endorse a policy requiring appeals procedures but leaving their development and application up to SIOs. [REDACTED] emphasized the need for any appeals procedures to provide for exemptions in cases where national security considerations (e.g., "black" contracts) required such. After discussion of possible alternatives, members voted on a majority basis to support the proposed appeals procedures recommended by the ISWG as Annex B to DCID 1/14. Voting in favor were: Army, Air Force, CIA, DIA, FBI, Energy, Justice, SAFSS, State and Treasury. Voting against were: NSA, Navy and Defense. (U)

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ITEM 2: New Business

The Chairman invited members' attention to a draft letter from him to the Office of Personnel Management (OPM) which would recommend changes to OPM's proposed regulations on reporting and use of investigative information it collected. He said OPM's proposal arose out of a settlement in the Jane Doe case, and the draft regulations were designed to insulate OPM from liability by deleting from investigative files information from OPM investigations

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SECOM-M-240

and from National Agency Checks when such information cannot be verified from other than confidential sources. [REDACTED] asked Messrs [REDACTED] to elaborate on the proposed letter. (U)

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[REDACTED] advised that OPM agreement with the ACLU in the Jane Doe case included drafting of new procedures. [REDACTED] said the proposed changes before the SECOM represented an attempt to have the OPM procedures reflect a proper interpretation of the Doe ruling. He noted that their changes would specifically establish a distinction between employment and security equities; have OPM investigative reports show when data from confidential sources had been deleted; and exempt intelligence agencies from any limits on collecting and disseminating information for security clearance and access purposes. (U)

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[REDACTED] emphasized that inaction by the SECOM could later be interpreted by litigants as acceptance of the OPM procedures as presently drafted. Mr. Kachulis asked if and was told that the OPM procedures would apply to agencies such as the Department of State which derive their investigative authority from OPM. [REDACTED] concluded the discussion by asking members to provide their comments on the draft letter not later than the close of business 17 November 1980. (U)

ITEM 3: Next Meeting

The next regular meeting will be on the call of the Chairman. The Christmas luncheon for SECOM members, alternates, and subcommittee and working group chairmen will be held at Ft. McNair on Wednesday, 17 December 1980. A separate flyer on it will be distributed. (U)

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